

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DONALD WASHINGTON, B69981,)	
)	
Petitioner,)	No. C 97-2316 CRB (PR)
)	
vs.)	ORDER REGARDING
)	SECOND REQUEST FOR A
DEBBIE ASUNCION, Acting Warden,)	CERTIFICATE OF
)	APPEALABILITY
Respondent.)	
)	(Dkt. #38)

On February 16, 2016, the court denied petitioner's motion for reconsideration or to vacate judgment under Federal Rule of Civil Procedure 60(b) and, on March 4, 2016, denied petitioner's request for a certificate of appealability (COA) from the court's denial of his Rule 60(b) motion. The court found that "[p]etitioner has not demonstrated that 'jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.'" Mar. 4, 2016 Order at 1 (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)).

Petitioner filed a notice of appeal in this court and submitted a request for a COA to the Ninth Circuit, which on March 17, 2016 the circuit stamped received and forwarded to this court for filing. The request (dkt. #38) is DENIED for the same reasons noted in this court's March 4, 2016 order. But the clerk is instructed to send a copy of the request to the Ninth Circuit because the

1 request appears to be directed to the Ninth Circuit rather than this court. It
2 specifically requests that the Ninth Circuit grant petitioner a COA “following the
3 denial of a COA by the U.S. District Court for the Northern District of California
4 on the 4th day of March 2016” Dkt. #38 at 1.

5 SO ORDERED.

6 DATED: 4/1/2016



7 CHARLES R. BREYER
8 United States District Judge